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Citation for published version:

Mac Amhlaigh, C, Why This Foreign Scottish Resident Will Not Be Voting on September 18th, 2014, Web publication/site, Scottish Constitutional Futures Forum.

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

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Cormac Mac Amhlaigh: Why This Foreign Scottish Resident Will Not Be Voting on September 18th

Posted on May 14 2014

Full disclosure: I am an Irish citizen who has been (legally) living and working in Edinburgh for the past five years. By dint of this, I am entitled to vote in the independence referendum on September 18th. Not because I am a British citizen (which I'm not), not because I can vote in Westminster elections (which I can), not because I can claim some sort of affinity to this particular part of the current UK (although family lore suggests that some of my forebears hail from the West coast generations back), but because I live and work in Scotland. This, for me, does not give me the right to have a voice in one of the most important decisions affecting the life of Scotland, or indeed the UK, since the fusing together of the two kingdoms in 1707. Let me explain.

Or, perhaps before I do, let me pre-empt the objections (and mild abuse) that has already been politely hurled in my direction by some whenever I have voiced my intentions. Yes, I'm aware that millions have died fighting for the right to vote and that millions more would love to be given a chance to vote for their leaders in free and fair elections in various parts of the globe today. I teach constitutional law; I am familiar with the broad historical context, and political struggles, which made modern constitutional democracy what it is today. I am also aware of the normative arguments for having a say in decision-making which affects your life-chances. In the light of these reasons I am actively considering spoiling my vote rather than not voting at all.

But in some ways it is also precisely for these reasons that I do not think that my voice should count in the referendum. This referendum is on the most existential question in politics - the decision to exist as an independent political entity - and those kinds of decisions only make sense among those who can claim a strong stake in the political community, the 'people' or 'nation'. The oft used and abused idea of the right to self-determination presupposes an understanding of the 'self' that is to be determined. For me, and I stress that this is a personal view, this 'self' is more than just the happenstance of migrant workers who happen to be in a place because this is where they found a job. Do not get me wrong, I am not detached or aloof from the society within which I live. I am and do feel part of, and participate in, Scottish society, my children were born here and it is where I call 'home' with my family. But such engagement, without more, does not entitle me to have a say in the existential question of political independence. This is not something I can legitimately decide upon. With the best will in the world, and notwithstanding my affection for the society in which I live and the people I have met and befriended here, I am not Scottish in this sense.

Many have argued that I should vote for self-interested instrumental reasons such as whether it will change the health-care that my family and I currently enjoy, whether schooling options for my children or my employment conditions will change, or whether we will be richer or poorer in an independent Scotland. However I remain unconvinced.

First off, I am fortunate enough to already have a say in who decides many if not most of these questions in local elections, elections for the Scottish Parliament and elections to Westminster. However, and perhaps more importantly, these questions are the stuff of small 'p' politics. The question of independence is much bigger than this. Voting on independence is not the same as voting for the left/right political orientation of a government. It is not about voting according to political ideology and instrumental self-interest, for or against tax rises or longer maternity leave. It is a political question with a capital 'P'. It involves an added 'X' factor, an existential choice in the life of the nation beyond the potential fluctuations in my bank account or my children's schools, and is not, therefore, one, I believe, in which I can claim a legitimate stake based on these small 'p' political issues.

Of course, independence could impact, perhaps hugely, on these small 'p' political issues and I know of many in a similar situation to myself who will vote on September 18th, without hesitation, for precisely these small 'p' reasons. I respect them and their democratic right to do so. But the thing is no one really knows how precisely these small 'p' issues will be affected. This in part explains the degeneration of some of the debate on independence on both sides in the past year or so. Everyone is playing the political alchemist, claiming to have converted speculation into truth, whether on EU membership, the euro or sterling or North Sea oil and gas, when the reality is, no one knows how these questions will be resolved in an independent Scotland. All of the above is up for grabs in the event of a 'Yes' vote and the only certainty of future political negotiations is that their outcome is uncertain. In the light of this fundamental uncertainty, therefore, I believe the question of independence has to be one of the heart and not the head. And my heart does not speak on this question.

I'm not sure at what point one actually becomes emotionally entitled to be part of such a political community, at what point the heart does start to speak on these issues, and I understand that it is partly an issue of democratic right to decide when and how much one is invested in this way. Perhaps it comes during one's most formative years; that is that the place where you grew up has such an indelible hold on your psyche that you will always somehow be part of it, whether you live there or not. Perhaps, then, where one spends their primary and secondary education is when you start to grow up, form social groups outside of the family, your first views of the world are formed, you start to develop as an autonomous person within broader society and therefore become part of the collective 'self' to be determined. This would mean that my own children may well one day feel truly Scottish, entitled to vote on an existential question like that of September 18th. One thing I'm sure of is that it doesn't apply to me.

That is why my vote will not count on September 18th.

Cormac Mac Amhlaigh is a lecturer in public law at the University of Edinburgh.

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